



Advisory

From: Johnny Diloné, 602-506-6611

Date: 7/14/2011

Re: Senate Bill 1598 – Notice of Inspection & Bill of Rights

SB 1598 Implementation

During this past legislative session, the Arizona Legislature passed Senate Bill 1598. Maricopa County Environmental Services Department conducted public meetings in early July to address Senate Bill 1598 procedural changes that go into effect on July 20, 2011 (with full implementation by December 31, 2012).

If you have questions regarding how SB 1598 will affect your interaction with the Maricopa County Environmental Services Department, please send them to SB1598@mail.maricopa.gov.

Thank you for your participation in the process. Your input is very valuable to us.

For your convenience and information, below you will find a sample copy of the Notice of Inspection Rights and further down the Regulatory Bill of Rights.



Maricopa County Environmental Services Department

MARICOPA COUNTY ENVIRONMENTAL SERVICES DEPARTMENT
1001 N. Central Avenue
Phoenix, Arizona 85004

NOTICE OF INSPECTION RIGHTS

Pursuant to Chapter 1 of the Maricopa County Environmental Health Code, the Maricopa County Environmental Services Department ("Department") inspector(s) were present at my location at the time of inspection. Upon entry to the premises, the Department inspector(s) met with me, presented photo identification and explained the purpose of this inspection is necessary for the issuance of a license and/or to determine compliance with licensure requirements.

I understand that:

- I may accompany the Department inspector(s) on the premises, except during confidential interviews.
- There are no direct fees for this inspection unless Investigation or Plan Review fees apply (\$130/hr).
- I have the right to copies of any original document(s) taken from the premises by the County during the inspection if the County is permitted by law to take the original document(s).
- I have the right to have a split or duplicate of any samples taken during the inspection, if the split or duplicate of any samples, where appropriate, would not prohibit an analysis from being conducted or render an analysis inconclusive.
- I have the right to copies of any analysis performed on samples taken during the inspection.
- Each person whose conversation with the County inspector during the inspection is tape-recorded will be informed that the conversation is being tape-recorded.
- Each person interviewed during the inspection will be informed that their statements may be included in the inspection report.
- My administrative hearing rights are set forth in A.R.S. §§ 41-1061 to -1066 and my rights relating to an appeal of a final County decision are found in A.R.S. § 12-901, *et seq.*, and Maricopa County Environmental Health Code Chapter 1.
- A County decision pursuant to A.R.S. § 11-1603 E and F are not appealable County actions.

I acknowledge I have read and have been informed of my inspection and due process rights. If I decline to sign this form, the County inspector(s) may still proceed with the inspection/investigation.

If I have any questions, I may contact the inspector at the number provided on the inspection report.



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A.R.S. §11-1602: REGULATORY BILL OF RIGHTS

A. TO ENSURE FAIR AND OPEN REGULATION BY COUNTIES, A PERSON:

1. IS ELIGIBLE FOR REIMBURSEMENT OF FEES AND OTHER EXPENSES IF THE PERSON PREVAILS BY ADJUDICATION ON THE MERITS AGAINST A COUNTY IN A COURT PROCEEDING REGARDING A COUNTY DECISION AS PROVIDED IN A.R.S. §12-348.

2. IS ENTITLED TO RECEIVE INFORMATION AND NOTICE REGARDING INSPECTIONS AS PROVIDED IN A.R.S. §11-1603 (*EFFECTIVE JUNE 30, 2012*).

3. IS ENTITLED TO HAVE A COUNTY NOT BASE A LICENSING DECISION IN WHOLE OR IN PART ON LICENSING CONDITIONS OR REQUIREMENTS THAT ARE NOT SPECIFICALLY AUTHORIZED AS PROVIDED IN A.R.S. §11-1604.

4. MAY HAVE A COUNTY APPROVE OR DENY THE PERSON'S LICENSE APPLICATION WITHIN A PREDETERMINED PERIOD OF TIME AS PROVIDED IN A.R.S. §11-1605 (*EFFECTIVE DECEMBER 31, 2012*).

5. IS ENTITLED TO RECEIVE WRITTEN OR ELECTRONIC NOTICE FROM A COUNTY ON DENIAL OF A LICENSE APPLICATION (*EFFECTIVE DECEMBER 31, 2012*):

(A) THAT JUSTIFIES THE DENIAL WITH REFERENCES TO THE STATUTE, ORDINANCE, REGULATION, DELEGATION AGREEMENT OR AUTHORIZED SUBSTANTIVE POLICY STATEMENTS ON WHICH THE DENIAL IS BASED AS PROVIDED IN A.R.S. §11-1605.

(B) THAT EXPLAINS THE APPLICANT'S RIGHT TO APPEAL THE DENIAL AS PROVIDED IN A.R.S. §11-1605.

6. IS ENTITLED TO RECEIVE INFORMATION REGARDING THE LICENSE APPLICATION PROCESS AT THE TIME THE PERSON OBTAINS AN APPLICATION FOR A LICENSE AS PROVIDED IN A.R.S. §11-1606.

7. MAY INSPECT ALL ORDINANCES, REGULATIONS AND SUBSTANTIVE POLICY STATEMENTS OF A COUNTY, INCLUDING A DIRECTORY OF DOCUMENTS, AT THE OFFICE OF THE COUNTY OR ON THE COUNTY'S WEBSITE AS PROVIDED IN A.R.S. §11-1607.

8. UNLESS SPECIFICALLY AUTHORIZED, MAY EXPECT COUNTIES TO AVOID DUPLICATION OF OTHER LAWS THAT DO NOT ENHANCE REGULATORY CLARITY AND TO AVOID DUAL PERMITTING TO THE MAXIMUM EXTENT PRACTICABLE AS PROVIDED IN A.R.S. §11-1604.

9. MAY FILE A COMPLAINT WITH THE BOARD OF SUPERVISORS CONCERNING AN ORDINANCE, REGULATION OR SUBSTANTIVE POLICY STATEMENT THAT FAILS TO COMPLY WITH A.R.S. §11-1602.